

ORDER NO. 99-084

AMENDMENT OF WASTE DISCHARGE REQUIREMENTS CONTAINED IN ORDER NO. 94-166 TO REFLECT NEW FACILITY OWNERSHIP AND GRANT TOXIC PITS CLEANUP ACT EXEMPTIONS

**SOUTHERN ENERGY DELTA, L.L.C.
PITTSBURG POWER PLANT
PITTSBURG CONTRA COSTA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds:

1. On November 16, 1994 the Board issued Waste Discharge Requirements Order No. 94-166 to Pacific Gas and Electric Company's Pittsburg Power Plant (hereinafter called the facility) located at 696 West 10th Street in Pittsburg California. The Order set forth operational and monitoring requirements for the facility's Class I and Class II surface impoundments, as well as granted the discharger a Toxic Pits Cleanup Act (TPCA) exemption for the facility's Class I surface impoundments.
2. Pacific Gas and Electric Company's, Pittsburg Power Plant was sold to Southern Energy Delta, L.L.C. on April 16, 1999 and compliance with Waste Discharge Requirements Order No. 94-166 became the responsibility of Southern Energy Delta, L.L.C.
3. A renewal to the TPCA exemption was granted to Pacific Gas and Electric Company (PG&E) with an effective date of September 16, 1997. The current exemption is valid for no more than five-years. The exemption allowed PG&E to discharge into the following Class I surface impoundments located at the facility:
 - Boiler Chemical Cleaning Solution Pond
 - Boiler Chemical Cleaning Rinse Pond
 - Air Preheater Wash Pond
 - Demineralizer Neutralization Pond
4. **Purpose of Amended Requirements:**
The purpose of this update is to reflect the change in ownership of the facility and to transfer the TPCA exemption to the new owner.
5. **CEQA:**
This is an existing facility. Therefore, this action is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Title 14 of the California Code of Regulations.
6. **Notification:**
The Board has notified the discharger and interested agencies and persons of its intent to amend the Waste Discharge Requirements, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

7. Public Hearing:

The Board, in a public meeting, heard and considered all comments pertaining to this amendment of Waste Discharge Requirements.

8. Requirements for Transfer of TPCA Exemption

Under Health and Safety Code Section 25208.16 the TPCA Exemption may be transferred to a new owner provided the following conditions are satisfied:

- i. The subsequent owner, at the time of the transfer, will be in compliance with all requirements of Section 25208.16.
- ii. A hydrogeological assessment report is on file with the Regional Board.
- iii. The surface impoundments have been inspected and tested for integrity within the six months prior to the date of the proposed transfer.
- iv. The subsequent owner has obtained a transfer of the hazardous waste facilities permit applicable to the surface impoundments and has demonstrated compliance with the financial assurance and liability insurance requirements specified in Article 8 of Chapter 14 of Division 4.5 of Title 22 CCR.
- v. The application for the transfer of the TPCA Exemption shall be accompanied by a fee sufficient to cover the cost of processing the application, as determined by the Regional Board.

9. Exemption Compliance Findings

Board staff have reviewed the discharger's submittals to satisfy the TPCA Exemption Transfer stated in Health and Safety Code Section 25208.16. The Board finds that all requirements have been met in order to transfer the TPCA Exemption to Southern Energy Delta, L.L.C. The Board finds that Southern Energy Delta, L.L.C. has complied with all requirements listed in Finding 8 above.

IT IS HEREBY ORDERED that Order No. 94-166 shall be amended as follows:

1. Southern Energy Delta, L.L.C. is added as the new owner and operator of the facility. All references to Pacific Gas and Electric Company are hereby deleted from the Order.

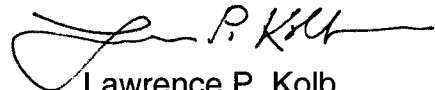
2. Amended Provisions

Provisions F.1 and F.2 of Order No. 94-166 are amended as follows:

- i. The four Class I surface impoundments listed in finding 3 above, are granted an exemption of no more than five years, commencing September 16, 1997, for discharging liquid hazardous waste pursuant to Section 25208.4(a) of the Toxic Pits Cleanup Act. The next exemption renewal must be granted by:
September 16, 2002
- ii. The Class I surface impoundments listed in finding 3 above, except the Demineralized Neutralization Pond, are granted an exemption of no more than five years, commencing September 16, 1997, for discharging restricted

hazardous waste pursuant to Section 25208.4(c) of the Toxic Pits Cleanup Act.
The next exemption renewal must be granted by: **September 16, 2002**

I, Lawrence P. Kolb, Assistant Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 20, 1999

A handwritten signature in black ink, appearing to read "L. P. Kolb", with a long horizontal stroke extending to the right.

Lawrence P. Kolb
Assistant Executive Officer

Attachments:
Figure 1- Updated Site Map

